

SANDRA D. FRELIX, ESQ. (SF-0421)
110 Wall Street
11th Floor
New York, New York 10005
(212) 859-3509
(212) 862-8212 (facsimile)
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

MARIA JACKSON,

Index No. 08 CV 1064 (LAK)

Plaintiff,

MOTION AND NOTICE OF
MOTION FOR RELIEF
FROM ORDER

-against-

THE SCOTTS COMPANY,

Defendant.

-----X

To: Craig S. Friedman, Esq. (CF-1988)
Matthew W. Lampe, Esq. (*pro hac vice* application pending)
Attorneys for Defendant
Jones Day
222 East 41st Street
New York, New York 10017-6702
(212) 326-3939
(212) 755-7306 (facsimile)

PLEASE TAKE NOTICE that on a date to be determined by this Court, or as soon thereafter as counsel can be heard, plaintiff will move the Court, at Courtroom No. 12D, United States Courthouse, 500 Pearl Street, New York, New York 10007, to enter an order relieving plaintiff and plaintiff's counsel (sanctions) from the operation of this court's order dated February 21, 2008 pursuant to Fed. R. Civ. P 60(b). This motion will be made on the grounds that:

SANDRA D. FRELIX, ESQ. (0421)
110 Wall Street
11th Floor
New York, New York 10005
(212) 859-3509
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MARIA JACKSON,

Index No. 08 CV 1064 (LAK)

Plaintiff,

AFFIRMATION IN SUPPORT
OF RELIEF FROM ORDER

-against-

THE SCOTTS COMPANY,

Defendant.

-----X

1. I, Sandra D. Frelix, Esq. am the attorney for the plaintiff in the above-referenced caption. I affirm the following under the penalty of perjury.
2. On or about February 20, 2008 the undersigned began suffering from the flu.
3. As a result of suffering from the flu the undersigned failed to respond to Judge Kaplan's February 21, 2008 Order.
4. The undersigned suffered from the flu for approximately two (2) weeks.
5. The undersigned did not learn of Judge Kaplan's February 21, 2008 Order until he transmitted his March 5, 2008 electronic notice.

Index No. : 08 CV 1064 (LAK)
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIA JACKSON

Plaintiff,

-against-

THE SCOTTS COMPANY

Defendant.

**MOTION AND NOTICE OF MOTION FOR RELIEF FROM ORDER
AFFIRMATION**

Sandra D. Frelix, Esq.
Attorney at Law
110 Wall Street, 11th Floor
New York, New York 10005
(212) 859-3509
Attorney for Plaintiff

To: Craig S. Friedman, Esq. (CF-1988)
Matthew W. Lampe, Esq. (Pro Hac Vice application pending)
JONES DAY
322 East 41st Street
New York, New York 10017
ATTORNEY FOR DEFENDANT

*Service of a copy of the within
admitted.*

is hereby

Dated:

NOTICE OF SETTLEMENT:

PLEASE TAKE NOTICE

that a _____ of which the within is a true copy will be presented for
settlement to _____
one of the judges of the within named court at _____ on
200 , at 9:30 A. M.

Dated:

To: